

State Board of Embalmers and Funeral Directors

**February 11, 2010
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri**

OPEN MEETING MINUTES

Thursday, February 11, 2010- 12:00 p.m.

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Martin Vernon, Chairman, at 12:05 p.m. via conference call on Thursday, February 11, 2010, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Roll Call

Board Members Present

Martin Vernon, Chairman
Gary Fraker, Vice-Chairman
Todd Mahn, Secretary
James Reinhard, Member
John McCulloch, Member
Joy Gerstein, Public Member

Staff Present

Becky Dunn, Executive Director
Lori Hayes, Inspector
Tabitha Lenzini, Administrative Assistant
Earl Kraus, Senior Legal Counsel
Connie Clarkston, Director of Budget and Legislation
Don Eggen, Chief Investigator

Comments Regarding Rule 20 CSR 2120-3.405 – Preneed Agents – Missouri Law Exam (Keith A Wenzel)

Connie Clarkston gave an overview of what follows a rules publication in the Missouri Register. She stated following the rules publication there is a 30-day comment period. During that 30-day comment period, the board is bound to accept comments that the public may submit. The Board today will review the comments submitted on Rule 20 CSR 2120-3.405, respond to those comments received and have those published in the Missouri Register. Ms. Clarkston stated the Board reviews each comment received, and makes a change with regard to a comment received or makes no changes and then justifies why no changes were made to the rule as written.

Verbal comments from the public were:

- Testing and examinations be focused upon those things that a person would need to know in selling a funding product prior to the time of need.
- Doesn't see any difference in preneed and at need.
- Doesn't want to see the preneed test turn into a test to get a funeral director's license in order to see preneed.
- Doesn't think that a preneed agent should have to be as knowledgeable as a funeral director.
- Need stricter protection for consumers and harder rules for agents.
- The requirement that preneed agents take the Missouri law examination is in the statute. Thinks for some people there is a mistaken assumption that all preneed agents are also insurance salesmen or have an insurance license and that is not the case. A large number of people have applied to be preneed agents who do not have an insurance license because they're not selling an insurance product, they're doing trust or joint accounts. It is incorrect to say that the only thing in those lists of statutes that affects preneed agents is 436. Large sections of Chapter 333 apply to preneed agents. That's where they are licensed. The current test, a little less than half of it, covers preneed.
- Everybody should register with the State Board, whether its trust or whether its insurance.
- During the work group meetings this summer the acting director of insurance stated that just because you've got an insurance license doesn't mean you know anything about funerals or preneed and she supported the concept of having to take a test before you were registered.
- Hopes the Board will stand the ground with the regulations set out, stiffen this up, protect the consumers of Missouri and do them an honor by making everybody be on the same playing field.
- Sell only through licensed funeral directors. Come on the side of the Board regulation as it currently stands and the application as it currently stands.
- Can anyone state that an agent out representing a funeral home has ever been accused of taking advantage of a consumer and stolen money and continue to hold their license.
- Within the parameters of the statute, if there was a test that would allow somebody to become a preneed agent without having, in essence, to take the test to become a funeral director that would be favored
- Even though the statute might provide for the examination, the Board can determine the form of that examination, the subjects to be covered, and that's the concern is that maybe this form of examination goes beyond what the legislature intended.
- The examination needs to be more specific to what they're going to be held accountable for on a daily basis.

Written comments from the following are attached to the minutes:

- Jimmy T. Hollingshad, CPC
- Donald Otto, Executive Director, MFDEA

- Keith A. Wenzel, Attorney

A motion was made by Todd Mahn and seconded by Gary Fraker to move forward with the rulemaking process with no changes made to Rule 20 CSR 2120-3.405 – Preneed Agents. Motion carried with Todd Mahn, Gary Fraker, Joy Gerstein and Martin Vernon voting in favor and John McCulloch voting in opposition. James Reinhard abstained from the vote.

Adjournment

A motion was made by Joy Gerstein and seconded by Gary Fraker to adjourn. Motion carried with Martin Vernon, James Reinhard, John McCulloch, and Todd Mahn voting in favor with no votes in opposition. The meeting adjourned at 1:25 p.m. on Thursday, February 11, 2010.

Executive Director: Sandy Sebastian

Approved by the Board on: 9/27-29/2011